

**U.S. District Court
North Carolina Middle District (NCMD)
CIVIL DOCKET FOR CASE #: 1:16-cv-00845-TDS-JEP**

NORTH CAROLINIANS FOR PRIVACY V. UNITED STATES DEPARTMENT OF JUSTICE, ET AL.
Assigned to: JUDGE THOMAS D. SCHROEDER
Referred to: MAG/JUDGE JOI ELIZABETH PEAKE
Related Cases: [1:16-cv-00236-TDS-JEP](#)
[1:16-cv-00425-TDS-JEP](#)
[1:16-cv-00844-TDS-JEP](#)

Date Filed: 06/29/2016
Date Terminated: 09/02/2016
Jury Demand: None
Nature of Suit: 899 Administrative Procedure Act/Review or Appeal of Agency Decision
Jurisdiction: U.S. Government Defendant

Case in other court: North Carolina Eastern, 5:16-cv-00245
Cause: 28:2201 Constitutionality of State Statute(s)

Plaintiff

**NORTH CAROLINIANS FOR
PRIVACY**
an unincorporated nonprofit association

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Amicus

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Date Filed	#	Docket Text
05/10/2016	<u>1</u>	COMPLAINT for Declaratory and Injunctive Relief against All Defendants (Filing fee \$ 400, receipt number 0417-3678475) filed by North Carolinians for Privacy. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons, # <u>3</u> Proposed Summons, # <u>4</u> Proposed Summons, # <u>5</u> Proposed Summons, # <u>6</u> Proposed Summons) (Dewart, Deborah) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 05/10/2016)
05/10/2016	<u>2</u>	Financial Disclosure Statement by North Carolinians for Privacy. (Dewart, Deborah) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 05/10/2016)
05/11/2016		Notice to Counsel – All counsel must file a Notice of Appearance pursuant to Local Civil Rule 5.2(a). (Baker, C.) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 05/11/2016)
05/11/2016	<u>3</u>	Summonses Issued as to All Defendants. (*NOTICE: Counsel shall print the attached summonses and serve with other case opening documents in accordance with Fed.R.Civ.P. 4.*) (Baker, C.) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 05/11/2016)
05/12/2016	<u>4</u>	Notice of Appearance filed by Deborah J. Dewart on behalf of North Carolinians for Privacy. (Dewart, Deborah) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 05/12/2016)

05/16/2016	<u>5</u>	Notice of Appearance for non–district counsel by David A. Cortman on behalf of North Carolinians for Privacy. (Cortman, David) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 05/16/2016)
05/16/2016	<u>6</u>	Notice of Appearance for non–district counsel by Joseph E. La Rue on behalf of North Carolinians for Privacy. (La Rue, Joseph) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 05/16/2016)
05/16/2016	<u>7</u>	Notice of Appearance for non–district counsel by Jeremy D. Tedesco on behalf of North Carolinians for Privacy. (Tedesco, Jeremy) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 05/16/2016)
05/17/2016	<u>8</u>	Notice of Appearance for non–district counsel by James A. Campbell on behalf of North Carolinians for Privacy. (Campbell, James) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 05/17/2016)
05/17/2016	<u>9</u>	Notice of Appearance for non–district counsel by Kristen K. Waggoner on behalf of North Carolinians for Privacy. (Waggoner, Kristen) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 05/17/2016)
05/23/2016	<u>10</u>	Notice of Appearance for non–district by John Matthew Sharp on behalf of North Carolinians for Privacy. (Sharp, John) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 05/23/2016)
05/24/2016	<u>11</u>	Notice of Appearance for non–district by Jonathan Caleb Dalton on behalf of North Carolinians for Privacy. (Dalton, Jonathan) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 05/24/2016)
05/24/2016	<u>12</u>	MOTION to Consolidate Cases filed by North Carolinians for Privacy. (Attachments: # <u>1</u> Text of Proposed Order) (Dewart, Deborah) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 05/24/2016)
05/24/2016	<u>13</u>	Memorandum in Support regarding <u>12</u> MOTION to Consolidate Cases filed by North Carolinians for Privacy. (Dewart, Deborah) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 05/24/2016)
06/14/2016	<u>14</u>	Notice of Appearance filed by James O. Bickford on behalf of All Defendants. (Bickford, James) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/14/2016)
06/14/2016	<u>15</u>	Memorandum in Opposition regarding <u>12</u> MOTION to Consolidate Cases filed by John B. King, Jr, Loretta E. Lynch, United States Department of Education, United States Department of Justice. (Bickford, James) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/14/2016)
06/15/2016		**** Set Hearing – Telephonic Rule 16 Status Conference and Motion Hearing as to <u>12</u> MOTION to Consolidate Cases set for 6/21/2016 at 10:00 AM before District Judge Louise Wood Flanagan. *Counsel will be provided dial–in instructions in advance of the telephonic hearing* (Tripp, S.) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/15/2016)
06/16/2016	<u>16</u>	Notice of Appearance filed by Michael James on behalf of All Defendants. (James, Michael) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/16/2016)
06/17/2016	<u>17</u>	Notice of Appearance filed by Brennan Tyler Brooks on behalf of Patrick McCrory. (Brooks, Brennan) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/17/2016)
06/17/2016	<u>18</u>	Notice of Appearance filed by William W. Stewart, Jr. on behalf of Patrick McCrory. (Stewart, William) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/17/2016)
06/17/2016	<u>19</u>	Notice of Appearance filed by Frank J. Gordon on behalf of Patrick McCrory. (Gordon, Frank) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/17/2016)
06/17/2016	<u>20</u>	Notice of Appearance for non–district by Karl S. Bowers, Jr. on behalf of Patrick McCrory, Frank Perry. (Bowers, Karl) [Transferred from North Carolina Eastern on

		6/29/2016.] (Entered: 06/17/2016)
06/17/2016	<u>21</u>	RESPONSE to Motion regarding <u>12</u> MOTION to Consolidate Cases filed by Patrick McCrory, Frank Perry. (Stewart, William) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/17/2016)
06/17/2016	<u>22</u>	Financial Disclosure Statement by Patrick McCrory. (Stewart, William) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/17/2016)
06/17/2016	<u>23</u>	Financial Disclosure Statement by Frank Perry. (Bowers, Karl) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/17/2016)
06/17/2016	<u>24</u>	REPLY to Response to Motion regarding <u>12</u> MOTION to Consolidate Cases filed by North Carolinians for Privacy. (Campbell, James) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/17/2016)
06/17/2016		Motion Submitted to District Judge Louise Wood Flanagan – <u>12</u> MOTION to Consolidate Cases. (Baker, C.) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/17/2016)
06/17/2016	<u>25</u>	Notice of Appearance filed by Stuart K. Duncan on behalf of Philip Berger, Tim Moore. (Duncan, Stuart) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/17/2016)
06/17/2016	<u>26</u>	Notice of Appearance filed by Robert D. Potter, Jr. on behalf of Philip Berger, Tim Moore. (Potter, Robert) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/17/2016)
06/17/2016	<u>27</u>	RESPONSE in Support regarding <u>12</u> MOTION to Consolidate Cases filed by Philip Berger, Tim Moore. (Duncan, Stuart) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/17/2016)
06/17/2016	<u>28</u>	Notice of Appearance filed by Gene C. Schaerr on behalf of Philip Berger, Tim Moore. (Schaerr, Gene) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/17/2016)
06/20/2016		NOTICE OF DEFICIENCY regarding: <u>25</u> Notice of Appearance, <u>28</u> Notice of Appearance – Counsel failed to attach a certificate of service pursuant to Fed. R. Civ. P. 5(d) and Section F(3) of the Court's CM/ECF Electronic Policies and Procedures Manual. Counsel should file a separately captioned certificate of service using the appropriate event located under the <i>Civil Events – Service of Process</i> category. (Tripp, S.) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/20/2016)
06/20/2016		Remark – <u>27</u> RESPONSE in Support submitted to District Judge Louise Wood Flanagan. (Tripp, S.) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/20/2016)
06/20/2016	<u>29</u>	Certificate of Service filed by Philip Berger, Tim Moore regarding <u>28</u> Notice of Appearance . (Schaerr, Gene) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/20/2016)
06/21/2016	<u>30</u>	Notice of Appearance filed by Robert C. Stephens on behalf of Patrick McCrory. (Stephens, Robert) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/21/2016)
06/21/2016	<u>31</u>	Minute Entry for proceedings held before District Judge Louise Wood Flanagan in New Bern: Telephonic Rule 16 Status Conference and Motion Hearing as to <u>12</u> MOTION to Consolidate Cases held on 6/21/2016. Counsel present for all parties. Court hears oral argument as to motion and procedural posture of the case. Matters taken under advisement. Written order to follow. (Court Reporter – David Collier) (Baker, C.) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/21/2016)
06/28/2016	<u>32</u>	*DOCUMENT CORRECTED AND REFILED AT DOCKET ENTRY <u>33</u> * – Affidavit of Service for Summons and Complaint filed by North Carolinians for Privacy served on Defendants on 06/21/2016. (Campbell, James) Modified on 6/29/2016 to insert refiling information. (Baker, C.) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/28/2016)

06/28/2016		NOTICE OF DEFICIENCIES regarding <u>32</u> Affidavit of Service – Filing is not text searchable. Local Civil Rule 5.1 requires that all documents submitted for filing be in a text searchable format. Also, supporting documents should be filed as <i>attachments</i> to the underlying filing. Pursuant to Section L(2) of the court's CM/ECF Policies and Procedures Manual, attachments and exhibits must be identified with a clear and complete description of the document. Each exhibit or attachment must be separated as a filing party would do when creating a hard copy version of the documents. When filing a document with more than five (5) exhibits or attachments, the first attached document must be an index of all of the subsequently attached documents. Counsel is directed to refile the document with the necessary corrections. (Baker, C.) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/28/2016)
06/28/2016	<u>33</u>	Affidavit of Service for Summons and Complaint filed by North Carolinians for Privacy served on Defendants on 06/21/2016. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A – US Dept of Justice, # <u>3</u> Exhibit B – Loretta Lynch, # <u>4</u> Exhibit C – US Dept of Education, # <u>5</u> Exhibit D – John B King Jr, # <u>6</u> Exhibit E – US Attorney Civil Process Clerk, # <u>7</u> Exhibit F – US Attorney General, # <u>8</u> Exhibit G – James Bickford) (Campbell, James) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/28/2016)
06/29/2016	<u>34</u>	ORDER denying <u>12</u> Motion to Consolidate Cases – On its own initiative, having heard from the parties further at hearing and conference June 21, 2016, the court TRANSFERS case number 5:16–CV–240–FL and case number 5:16–CV–245–FL to the Middle District. Signed by District Judge Louise Wood Flanagan on 6/29/2016. (Baker, C.) [Transferred from North Carolina Eastern on 6/29/2016.] (Entered: 06/29/2016)
06/29/2016	<u>35</u>	Case transferred in from District of North Carolina Eastern; Case Number 5:16–cv–00245. Original file certified copy of transfer order and docket sheet received. (Entered: 06/29/2016)
06/30/2016		Case ASSIGNED to JUDGE THOMAS D. SCHROEDER and MAGISTRATE JUDGE JOI ELIZABETH PEAKE. Set flag for Magistrate Judge Joi Elizabeth Peake. (Coyne, Michelle) (Entered: 06/30/2016)
07/12/2016		Telephone Conference set for 7/13/2016 at 1:00 PM before JUDGE THOMAS D. SCHROEDER. Associated Cases: 1:16cv236, 1:16cv425, 1:16cv844, 1:16cv845(Engle, Anita) (Entered: 07/12/2016)
07/13/2016	<u>36</u>	NOTICE of Appearance by attorney BENJAMIN L. BERWICK on behalf of Defendants JOHN B. KING, JR, LORETTA E. LYNCH, UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES DEPARTMENT OF JUSTICE (BERWICK, BENJAMIN) (Entered: 07/13/2016)
07/13/2016		Minute Entry for proceedings held before JUDGE THOMAS D. SCHROEDER: Telephone Conference held on 7/13/2016. Participating in the call: Attorney Smith for Carcano Plaintiffs, Attorney Stoughton for Plaintiff United States, Attorney Campbell for Plaintiff/Proposed Intervenor North Carolinians for Privacy, Attorney Duncan for Legislative Plaintiffs/Intervenors, Attorney Berwick for Defendant United States, Attorney Bowers for State Defendants, Attorney Francisco for UNC Defendants, Attorney Boizelle for Amici 68 Companies, Attorney Sigmon for Proposed Amici School Administrators, and Proposed Pro se Intervenor Steven–Glenn: Johnson. Written Order forthcoming. (Court Reporter Briana Nesbit.) Associated Cases: 1:16cv236, 1:16cv425, 1:16cv844, 1:16cv845 (Engle, Anita) (Entered: 07/13/2016)
07/14/2016	<u>37</u>	ORDER signed by JUDGE THOMAS D. SCHROEDER on 07/14/2016; Parties in case 1:16CV236 shall appear on Monday, August 1, at 10:00 a.m. in Courtroom 1 of the Hiram H. Ward Federal Building, Winston–Salem, North Carolina, for a hearing on the Carcano Plaintiffs' motion for preliminary injunction (Doc. <u>21</u> in 1:16CV236) and UNC defendants' motion to stay proceedings (Doc. <u>38</u> in 1:16CV236). Counsel for United States may participate in the hearing as set out. Trial on merits, etc. in United States' action to be consolidated with hearing on United States' motion for preliminary injunction (Doc. 73 in 1:16cv425). Trial in all four HB2 cases will take place in late October or early November, 2016 depending on pretrial schedule to be determined by the Magistrate Judge as set out. Parties shall file a short joint notice identifying any agreements reached and explaining their respective positions no later than 5:00 p.m. on

		July 22, 2016. Associated Cases: 1:16-cv-00236-TDS-JEP, 1:16-cv-00425-TDS-JEP, 1:16-cv-00844-TDS-JEP, 1:16-cv-00845-TDS-JEP (Garland, Leah) Docket entry modified on 7/19/2016. (Powell, Gloria). (Entered: 07/14/2016)
07/14/2016		Set Deadlines: Joint Notice due by 7/22/2016 no later than 5:00 PM. (See 86 Order in 16CV236, 93 Order in 16CV425, 29 Order in 16CV844, and 37 Order in 16CV845) Associated Cases: 1:16-cv-00236-TDS-JEP, 1:16-cv-00425-TDS-JEP, 1:16-cv-00844-TDS-JEP, 1:16-cv-00845-TDS-JEP (Garland, Leah) (Entered: 07/14/2016)
07/15/2016	<u>38</u>	ORDER signed by MAG/JUDGE JOI ELIZABETH PEAKE on 07/15/2016; that this matter is set for an Initial Pretrial Conference on July 22, 2016, at 1:00 p.m. in Courtroom 3 of the United States Courthouse in Winston-Salem, North Carolina. FURTHER ORDERED that the parties must file their Rule 26(f) Report(s), whether jointly or individually, by July 20, 2016, as noted herein. Associated Cases: 1:16-cv-00236-TDS-JEP, 1:16-cv-00425-TDS-JEP, 1:16-cv-00844-TDS-JEP, 1:16-cv-00845-TDS-JEP (Garland, Leah) (Entered: 07/15/2016)
07/15/2016		Set Initial Pretrial Conference: Initial Pretrial Conference set for 7/22/2016 at 1:00 PM in Winston-Salem Courtroom #3. (See 88 Order in 16CV126; 94 Order in 16CV425; 30 Order in 16CV844; 38 Order in 16CV845) Associated Cases: 1:16-cv-00236-TDS-JEP, 1:16-cv-00425-TDS-JEP, 1:16-cv-00844-TDS-JEP, 1:16-cv-00845-TDS-JEP (Garland, Leah) (Entered: 07/15/2016)
07/15/2016		Set Rule 26(f) Report Deadline: Rule 26(f) Report (jointly or individually) due by 7/20/2016. (See 88 Order in 16CV126; 94 Order in 16CV425; 30 Order in 16CV844; 38 Order in 16CV845) Associated Cases: 1:16-cv-00425-TDS-JEP, 1:16-cv-00844-TDS-JEP, 1:16-cv-00845-TDS-JEP (Garland, Leah) (Entered: 07/15/2016)
07/19/2016	<u>39</u>	Transcript of Telephonic status conference held on 7/13/2016, before Judge Thomas D. Schroeder. Court Reporter Briana Nesbit, Telephone number (336)734-2514. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER. Redaction Request due 8/12/2016. Redacted Transcript Deadline set for 8/22/2016. Release of Transcript Restriction set for 10/20/2016. Associated Cases: 1:16-cv-00845-TDS-JEP, 1:16-cv-00236-TDS-JEP, 1:16-cv-00425-TDS-JEP, 1:16-cv-00844-TDS-JEP(Nesbit, Briana) (Entered: 07/19/2016)
07/20/2016	<u>40</u>	NOTICE of Appearance by attorney JOSHUA E. GARDNER on behalf of Defendants JOHN B. KING, JR, LORETTA E. LYNCH, UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES DEPARTMENT OF JUSTICE (GARDNER, JOSHUA) (Entered: 07/20/2016)
07/20/2016	<u>41</u>	Rule 26(f) Report (Individual). by NORTH CAROLINIANS FOR PRIVACY.(CAMPBELL, JAMES) (Entered: 07/20/2016)
07/20/2016	<u>42</u>	Rule 26(f) Report (Individual). by JOHN B. KING, JR, LORETTA E. LYNCH, UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES DEPARTMENT OF JUSTICE.(BERWICK, BENJAMIN) (Entered: 07/20/2016)
07/21/2016		Motions Referred to MAG/JUDGE JOI ELIZABETH PEAKE RE: <u>41</u> Rule 26(f) Report (Individual) and, <u>42</u> Rule 26(f) Report (Individual). (Engle, Anita) (Entered: 07/21/2016)
07/22/2016	<u>43</u>	STATEMENT <i>Joint Statement Regarding Overlapping Claims</i> by Plaintiff NORTH CAROLINIANS FOR PRIVACY. (CAMPBELL, JAMES) (Entered: 07/22/2016)

07/22/2016		Minute Entry for proceedings held before MAG/JUDGE JOI ELIZABETH PEAKE: Pretrial Scheduling Conference held on 7/22/2016 in WS-3. Present at the conference were: Attorney Wilkins for Carcaño Plaintiffs, Attorney Stoughton for Plaintiff United States, Attorney Dalton for Plaintiff/Proposed Intervenor North Carolinians for Privacy, Attorney Duncan for Legislative Plaintiffs/Intervenors, Attorney Gardner for Defendant United States, Attorney Bowers for State Defendants, and Attorney Francisco for UNC Defendants. The Court sets Telephone Status Conferences for 8/19/2016, 9/2/2016, 9/16/2016 and 9/30/2016 at 10:00 AM before Judge Peake. Joint Status of Issues to be Resolved to be filed by the close of business the Wednesday before each scheduled Telephone Status Conference. If no Status Conference is necessary, Parties are to notify Case Manager. In light of Scheduling Conference, Defendant McCrory's Motion for Leave to Conduct Expedited Discovery (Doc. 52 in 1:16CV236) is moot and Motion to Intervene filed by North Carolinians for Privacy (Doc. 58 in 1:16CV425) is withdrawn. Written Order forthcoming.(Court Reporter Briana Nesbit.) Associated Cases: 1:16cv236, 1:16cv425, 1:16cv844, 1:16cv845 (Engle, Anita) (Entered: 07/22/2016)
07/22/2016		Set Hearing: Telephone Status Conference set for 8/19/2016 at 10:00 AM before MAG/JUDGE JOI ELIZABETH PEAKE. Associated Cases: 1:16cv236, 1:16cv425, 1:16cv844, 1:16cv845 (Engle, Anita) (Entered: 07/22/2016)
07/22/2016		Set Hearing: Telephone Status Conference set for 9/2/2016 at 10:00 AM before MAG/JUDGE JOI ELIZABETH PEAKE. Associated Cases: 1:16cv236, 1:16cv425, 1:16cv844, 1:16cv845 (Engle, Anita) (Entered: 07/22/2016)
07/22/2016		Set Hearing: Telephone Status Conference set for 9/16/2016 at 10:00 AM before MAG/JUDGE JOI ELIZABETH PEAKE. Associated Cases: 1:16cv236, 1:16cv425, 1:16cv844, 1:16cv845 (Engle, Anita) (Entered: 07/22/2016)
07/22/2016		Set Hearing: Telephone Status Conference set for 9/30/2016 at 10:00 AM before MAG/JUDGE JOI ELIZABETH PEAKE. Associated Cases: 1:16cv236, 1:16cv425, 1:16cv844, 1:16cv845 (Engle, Anita) (Entered: 07/22/2016)
07/25/2016	<u>44</u>	ORDER signed by MAG/JUDGE JOI ELIZABETH PEAKE on 07/25/2016; that the Court adopts the Joint Rule 26(f) Report and the discovery schedule set forth above. FURTHER ORDERED that this matter is set for telephonic conferences at 10:00 am on August 19, 2016, September 2, 2016, September 16, 2016, and September 30, 2016. Associated Cases: 1:16-cv-00236-TDS-JEP, 1:16-cv-00425-TDS-JEP, 1:16-cv-00844-TDS-JEP, 1:16-cv-00845-TDS-JEP (Garland, Leah) (Entered: 07/25/2016)
07/27/2016	<u>45</u>	NOTICE of Appearance by attorney KENNETH J. CONNELLY on behalf of Plaintiff NORTH CAROLINIANS FOR PRIVACY (CONNELLY, KENNETH) (Entered: 07/27/2016)
07/28/2016	<u>46</u>	ORDER signed by MAG/JUDGE JOI ELIZABETH PEAKE on 7/28/2016, that the Court adopts the briefing schedule set out in the Joint Notice (Doc. # 112) in 1:16CV425, but any issues that the parties wish to raise in these cases should still be addressed in the dispositive motions and trial briefs on the schedule set out in the July 25, 2016 Scheduling Order, so that all of the relevant issues can be addressed in November after the period of expedited discovery. Associated Cases: 1:16-cv-00236-TDS-JEP, 1:16-cv-00844-TDS-JEP, 1:16-cv-00845-TDS-JEP(Daniel, J) (Entered: 07/28/2016)
07/29/2016	<u>47</u>	Transcript of Pretrial Scheduling Conference held on 7/22/2016, before Judge Joi E. Peake. Court Reporter Briana L. Nesbit, Telephone number (336) 734-2514. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER.

		Redaction Request due 8/22/2016. Redacted Transcript Deadline set for 9/1/2016. Release of Transcript Restriction set for 10/31/2016. Associated Cases: 1:16-cv-00236-TDS-JEP, 1:16-cv-00425-TDS-JEP, 1:16-cv-00844-TDS-JEP, 1:16-cv-00845-TDS-JEP(Nesbit, Briana) (Entered: 07/29/2016)
08/04/2016		Telephone Conference set for 8/4/2016 at 4:00 P.M. before JUDGE THOMAS D. SCHROEDER. Associated Cases: 1:16cv236, 1:16cv425, 1:16cv845(Engle, Anita) (Entered: 08/04/2016)
08/04/2016	<u>48</u>	<p>Transcript of Preliminary Injunction held on 8/1/2016, before Judge Thomas D. Schroeder. Court Reporter Briana L. Nesbit, Telephone number (336) 734-2514. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.</p> <p>NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER.</p> <p>Redaction Request due 8/29/2016. Redacted Transcript Deadline set for 9/9/2016. Release of Transcript Restriction set for 11/7/2016. Associated Cases: 1:16-cv-00236-TDS-JEP, 1:16-cv-00425-TDS-JEP, 1:16-cv-00844-TDS-JEP, 1:16-cv-00845-TDS-JEP(Nesbit, Briana) (Entered: 08/04/2016)</p>
08/04/2016		Minute Entry for proceedings held before JUDGE THOMAS D. SCHROEDER: Telephone Conference held on 8/4/2016. Participating in the call: Attorney Smith for Carcaño Plaintiffs, Attorney Stoughton for Plaintiff United States, Attorney Campbell for Plaintiff North Carolinians for Privacy, Attorney Duncan for Legislative Intervenors, Attorney Berwick for Defendant United States, Attorney Bowers for State Defendants, Attorney Francisco for UNC Defendants, and Attorney Smith for Proposed Amici School Administrators. Written Order forthcoming. (Court Reporter Briana Nesbit.) Associated Cases: 1:16cv236, 1:16cv425, 1:16cv845(Engle, Anita) (Entered: 08/04/2016)
08/04/2016		TEXT ORDER signed by JUDGE THOMAS D. SCHROEDER on 8/4/2016. On August 3, 2016, the Supreme Court issued a stay of the Fourth Circuit's mandate in <u>G.G. v. Gloucester County School Board</u> , case number 16A52, which held that the U.S. Department of Education's guidance as to the interpretation of "on the basis of sex" in its regulation implementing Title IX was entitled to Auer deference. As a result of today's telephone hearing, the court directs the parties to address the following: (1) whether, and if so how, the Supreme Court's stay of the mandate in <u>G.G. v. Gloucester County School Board</u> affects this court, including as to the rules of law this court must apply; (2) this courts authority to grant preliminary injunctive relief, on a facial basis or otherwise, beyond the scope of the individually named Plaintiffs (both under Title IX and as a constitutional matter). Plaintiffs' briefs are due by 5:00 p.m. Monday, August 8, 2016. Defendants' responses are due by noon on Friday, August 12, 2016. Briefs are limited to 20 pages per side, and the parties are encouraged to work together. In addition, the parties are directed to meet and confer to determine if there is any value in adjusting the pretrial or trial schedule and whether or not there is agreement to participate in this district's mediation process. Parties are to report back via letter to Ms. Engle as to the results of the conference by 5:00 p.m. on August 8, 2016. SO ORDERED. Associated Cases: 1:16cv236, 1:16cv425, 1:16cv845(Engle, Anita) (Entered: 08/04/2016)
08/04/2016	<u>49</u>	NOTICE of Hearing: Bench Trial set for 11/14/2016 at 09:30 AM in Winston-Salem Courtroom #1 before JUDGE THOMAS D. SCHROEDER. Exhibit and witness lists and deposition designations shall be filed no later than October 24, 2016. Any objections thereto, as well as any counter-designations, shall be filed no later than November 2, 2016. Pre-trial briefs shall be submitted no later than November 7, 2016. No opposition briefs shall be allowed. Associated Cases: 1:16cv236, 1:16cv425, 1:16cv845(Engle, Anita) (Entered: 08/04/2016)

08/05/2016	<u>50</u>	MOTION for Leave to File <i>Amended Complaint</i> by NORTH CAROLINIANS FOR PRIVACY. Responses due by 8/29/2016 (Attachments: # <u>1</u> Exhibit Amended Complaint, # <u>2</u> Text of Proposed Order)(CAMPBELL, JAMES) (Entered: 08/05/2016)
08/05/2016	<u>51</u>	Partially Unopposed MOTION by NORTH CAROLINIANS FOR PRIVACY to Proceed Using Initials. Responses due by 8/29/2016. (Attachments: # <u>1</u> Text of Proposed Order)(CAMPBELL, JAMES) Modified document title on 8/8/2016. (Daniel, J) (Entered: 08/05/2016)
08/05/2016	<u>52</u>	MEMORANDUM filed by Plaintiff NORTH CAROLINIANS FOR PRIVACY re <u>51</u> Partially Unopposed MOTION to Proceed Using Initials . (Attachments: # <u>1</u> Exhibit 1 – Declaration of S.B., # <u>2</u> Exhibit 2 – Declaration of E.S., # <u>3</u> Exhibit 3 – Declaration of D.H.)(CAMPBELL, JAMES) Modified document title on 8/8/2016. (Daniel, J) (Entered: 08/05/2016)
08/08/2016		Motion Referred to MAG/JUDGE JOI ELIZABETH PEAKE RE: <u>50</u> MOTION for Leave to File <i>Amended Complaint</i> . (Engle, Anita) (Entered: 08/08/2016)
08/08/2016	<u>53</u>	NOTICE by JOHN B. KING, JR, LORETTA E. LYNCH, UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES DEPARTMENT OF JUSTICE <i>Regarding Supplemental Brief</i> (BERWICK, BENJAMIN) (Entered: 08/08/2016)
08/09/2016	<u>54</u>	MOTION for Extension of Time to File Answer by JOHN B. KING, JR, LORETTA E. LYNCH, UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(LEE, JASON) (Entered: 08/09/2016)
08/10/2016		Motions Referred to MAG/JUDGE JOI ELIZABETH PEAKE RE: <u>51</u> MOTION to Proceed under Fictitious Name and <u>54</u> MOTION for Extension of Time to File Answer. (Engle, Anita) (Entered: 08/10/2016)
08/12/2016	<u>55</u>	NOTICE by NORTH CAROLINIANS FOR PRIVACY (CAMPBELL, JAMES) (Entered: 08/12/2016)
08/17/2016	<u>56</u>	NOTICE by PHILIP BERGER, TIM MOORE re <u>44</u> Rule 26f (Joint),, Order on Rule 26f Report – Individual,,,, <i>JOINT NOTICE OF ISSUES FOR STATUS CONFERENCE</i> (POTTER, ROBERT) (Entered: 08/17/2016)
08/18/2016		CASE REFERRED to MAG/JUDGE JOI ELIZABETH PEAKE RE: Joint Notice of Issues for Status Conference (119 in 1:16cv236), (<u>56</u> in 1:16cv845), (147 in 1:16cv425). Associated Cases: 1:16cv236, 1:16cv425, 1:16cv845 (Engle, Anita) (Entered: 08/18/2016)
08/18/2016		TEXT ORDER signed by MAG/JUDGE JOI ELIZABETH PEAKE on 8/18/2016 CANCELLING the Telephone Status Conference set for 8/19/2016 at 10:00 AM. Parties are directed to file a Joint Status Report by Wednesday, 8/24/2016. Associated Cases: 1:16cv236, 1:16cv425, 1:16cv845 (Engle, Anita) (Entered: 08/18/2016)
08/19/2016	<u>57</u>	ORDER Signed by MAG/JUDGE JOI ELIZABETH PEAKE on 08/19/16. IT IS THEREFORE ORDERED that Plaintiffs Unopposed Motion for Leave to File Amended Complaint <u>50</u> is GRANTED and Plaintiff must file its Amended Complaint as a separate pleading within seven (7) days of the date of this Order. IT IS FURTHER ORDERED that Defendants Unopposed Motion for Extension of Time <u>54</u> is GRANTED and Defendants deadline for filing a response to Plaintiffs Amended Complaint is extended to September 6, 2016. FINALLY, IT IS ORDERED that Plaintiffs Partially Unopposed Motion to Proceed Using Initials <u>51</u> is GRANTED as set out herein, and any remaining issues will be addressed at the next pretrial status conference. (Garrett, Kim) (Entered: 08/19/2016)
08/22/2016	<u>58</u>	First AMENDED COMPLAINT against defendant All Defendants, filed by NORTH CAROLINIANS FOR PRIVACY.(CAMPBELL, JAMES) (Entered: 08/22/2016)
08/24/2016	<u>59</u>	NOTICE by PHILIP BERGER, PATRICK MCCRORY, TIM MOORE, NORTH CAROLINIANS FOR PRIVACY, FRANK PERRY <i>JOINT NOTICE OF ISSUES FOR STATUS CONFERENCE</i> (STEWART, WILLIAM) (Entered: 08/24/2016)

08/25/2016		CASES REFERRED to MAG/JUDGE JOI ELIZABETH PEAKE RE: Joint Notice of Issues for Status Conference (126 in 1:16cv236, 155 in 1:16cv425, and <u>59</u> in 1:16cv845). Associated Cases: 1:16cv236, 1:16cv425, 1:16cv845 (Engle, Anita) (Entered: 08/25/2016)
08/25/2016		TEXT ORDER signed by MAG/JUDGE JOI ELIZABETH PEAKE on 8/25/2016. In light of the Joint Notice filed by the parties, the Court will <u>not</u> set this matter for a status conference on August 26, 2016. However, it appears that a status conference in the near future would be appropriate, in order to address any discovery and scheduling issues. Therefore, the Court will plan to conduct a discovery status conference on September 2, 2016, and given the potential issues to be addressed, the Court will conduct that status conference in person rather than by telephone hearing. Therefore, this matter will be set for a discovery status conference on September 2, 2016 at 10:00 a.m. in Courtroom 3 of United States Courthouse in Winston-Salem, NC. The parties should file their Joint Notice by August 31, 2016 to outline any issues that they would seek to raise at the status conference. Associated Cases: 1:16cv236, 1:16cv425, 1:16cv845 (Engle, Anita) (Entered: 08/25/2016)
08/25/2016		Set Hearing: Status Conference set for 9/2/2016 at 10:00 AM in Winston-Salem Courtroom #3 before MAG/JUDGE JOI ELIZABETH PEAKE. Associated Cases: 1:16cv236, 1:16cv425, 1:16cv845(Engle, Anita) (Entered: 08/25/2016)
08/30/2016	<u>60</u>	Consent MOTION for Extension of Time to File Answer by JOHN B. KING, JR, LORETTA E. LYNCH, UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(BERWICK, BENJAMIN) (Entered: 08/30/2016)
08/31/2016		ORDER granting <u>60</u> Motion for Extension of Time to Answer for All Defendants. Answer due by 9/20/2016. Signed by John Brubaker, Clerk of Court, on 08/31/2016. (Brubaker, John) (Entered: 08/31/2016)
08/31/2016	<u>62</u>	***FILED IN ERROR*** MOTION for Leave to File <i>Brief as Amici Curiae</i> by Proposed Amici Curiae – TEXAS, ARKANSAS, ARIZONA, WEST VIRGINIA, ALABAMA, WISCONSIN, GEORGIA, NEBRASKA, LOUISIANA, SOUTH CAROLINA, COMMONWEALTH OF KENTUCKY, by and through Governor Matthew G. Bevin, U. (Attachments: # <u>1</u> Supplement, # <u>2</u> Text of Proposed Order) Associated Cases: 1:16-cv-00425-TDS-JEP, 1:16-cv-00236-TDS-JEP, 1:16-cv-00844-TDS-JEP, 1:16-cv-00845-TDS-JEP(NIMOCKS, DAVID) Modified on 9/2/2016 to reflect filed in error and terminated public access. (Daniel, J) (Entered: 08/31/2016)
08/31/2016	<u>63</u>	NOTICE of Voluntary Dismissal of case by Plaintiff NORTH CAROLINIANS FOR PRIVACY Associated Cases: 1:16-cv-00845-TDS-JEP, 1:16-cv-00236-TDS-JEP, 1:16-cv-00425-TDS-JEP(CAMPBELL, JAMES) Modified on 9/12/2016 to reflect filed in error and terminated public access. (Daniel, J) Modified on 12/16/2016. Document terminated in error. (Engle, Anita). (Entered: 08/31/2016)
09/02/2016		Civil Case Terminated. (Daniel, J) (Entered: 09/02/2016)
09/09/2016	<u>66</u>	Transcript of Proceedings held on 09/02/2016, before Judge Joi E. Peake. Court Reporter Briana L. Nesbit, Telephone number 336-734-2514. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER. Redaction Request due 10/3/2016. Redacted Transcript Deadline set for 10/14/2016. Release of Transcript Restriction set for 12/12/2016. Associated Cases: 1:16-cv-00236-TDS-JEP, 1:16-cv-00425-TDS-JEP, 1:16-cv-00844-TDS-JEP, 1:16-cv-00845-TDS-JEP(Nesbit, Briana) (Entered: 09/09/2016)

10/07/2016	<u>67</u>	<p>Transcript of Status Conference held on 09/16/2016, before Magistrate Judge Joi E. Peake. Court Reporter Briana L. Nesbit, Telephone number 336-734-2514. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.</p> <p>NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER.</p> <p>Redaction Request due 10/31/2016. Redacted Transcript Deadline set for 11/10/2016. Release of Transcript Restriction set for 1/9/2017. Associated Cases: 1:16-cv-00236-TDS-JEP, 1:16-cv-00425-TDS-JEP, 1:16-cv-00844-TDS-JEP, 1:16-cv-00845-TDS-JEP(Nesbit, Briana) (Entered: 10/07/2016)</p>
10/14/2016	<u>68</u>	<p>Transcript of Status Conference held on 09/30/2016, before Judge Joi E. Peake. Court Reporter Briana L. Nesbit, Telephone number 336-734-2514. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.</p> <p>NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER.</p> <p>Redaction Request due 11/7/2016. Redacted Transcript Deadline set for 11/17/2016. Release of Transcript Restriction set for 1/17/2017. Associated Cases: 1:16-cv-00236-TDS-JEP, 1:16-cv-00425-TDS-JEP, 1:16-cv-00844-TDS-JEP, 1:16-cv-00845-TDS-JEP (Nesbit, Briana) (Entered: 10/14/2016)</p>
10/18/2016	<u>69</u>	<p>***FILED IN ERROR*** NOTICE of Appearance by attorney SONYA PFEIFFER on behalf of Witnesses A. N., A. T., Alaina Kupep. Associated Cases: 1:16-cv-00425-TDS-JEP, 1:16-cv-00236-TDS-JEP, 1:16-cv-00844-TDS-JEP, 1:16-cv-00845-TDS-JEP(PFEIFFER, SONYA) Modified on 12/16/2016 to reflect filed in error - see 12/16/2016 TEXT Order. (Daniel, J) (Entered: 10/18/2016)</p>
10/18/2016	<u>70</u>	<p>***FILED IN ERROR*** MOTION of Non-Party Witnesses to Join United States' Motion to Partially Quash and Modify Defendants' Subpoenas Duces Tecum and for a Protective Order by A. N., Alaina Kupec, A. T.. Responses due by 11/14/2016 Associated Cases: 1:16-cv-00425-TDS-JEP, 1:16-cv-00236-TDS-JEP, 1:16-cv-00844-TDS-JEP, 1:16-cv-00845-TDS-JEP(PFEIFFER, SONYA) Modified on 12/16/2016 to reflect filed in error and terminated motion per 12/16/2016 TEXT Order. (Daniel, J) (Entered: 10/18/2016)</p>
10/24/2016	<u>71</u>	<p>***FILED IN ERROR*** MOTION to Adopt (204 in 1:16-cv-00425-TDS-JEP, 204 in 1:16-cv-00425-TDS-JEP) MOTION to Quash <i>and Modify Defendants Subpoenas Duces Tecum</i> MOTION for Protective Order by Stephanie Paige Dula. Responses due by 11/17/2016 Associated Cases: 1:16-cv-00425-TDS-JEP, 1:16-cv-00236-TDS-JEP, 1:16-cv-00844-TDS-JEP, 1:16-cv-00845-TDS-JEP(SUSSMAN, JACOB) Modified on 12/16/2016 to reflect filed in error and terminated motion per 12/16/2016 TEXT Order. (Daniel, J) (Entered: 10/24/2016)</p>
11/15/2016	<u>72</u>	<p>Transcript of the Telephonic Status Conference held on 11/14/2016, before Judge Joi E. Peake. Court Reporter Briana L. Nesbit, Telephone number 336-734-2514. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.</p>

	<p>NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER.</p> <p>Redaction Request due 12/9/2016. Redacted Transcript Deadline set for 12/19/2016. Release of Transcript Restriction set for 2/16/2017. Associated Cases: 1:16-cv-00425-TDS-JEP, 1:16-cv-00236-TDS-JEP, 1:16-cv-00844-TDS-JEP, 1:16-cv-00845-TDS-JEP(Nesbit, Briana) (Entered: 11/15/2016)</p>
12/16/2016	<p>TEXT ORDER by JUDGE THOMAS D. SCHROEDER on 12/16/2016. On July 25, 2016, the Court consolidated cases 1:16CV236, 1:16CV425, 1:16CV844 and 1:16CV845 for discovery purposes only. Subsequent to this consolidation, Plaintiffs voluntarily dismissed case 1:16CV844 on July 28, 2016 (Doc. 33) and 1:16CV845 on August 31, 2016 (Doc. 63). However, parties continue to file documents in these closed cases. Therefore, parties are directed that any future filings must be filed in the appropriate case to which it relates and parties should refrain from electing the option to "spread" the docket entry to any unrelated or closed cases. IT IS SO ORDERED. Associated Cases: 1:16cv236, 1:16cv425, 1:16cv844, 1:16cv845 (Engle, Anita) (Entered: 12/16/2016)</p>